

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIE L. CAMPBELL,

Plaintiff,

vs.

CITY OF OMAHA, et al.,

Defendants.

8:15-CV-99

ORDER

This matter is before the Court on the Magistrate Judge's Findings, Recommendation, and Order (filing [31](#)) recommending that the Court dismiss the plaintiff's claims. The Court will adopt the Magistrate Judge's findings and recommendation.

Plaintiff's former counsel was granted leave to withdraw on June 24, 2015. Filing [25](#). The order granting counsel's leave to withdraw stated that the plaintiff was given until July 15, 2015 to "either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel." Filing [25](#). And the plaintiff was warned that his failure to do so could result in a dismissal of his claims without further notice. Filing [25](#). The plaintiff failed to comply with the Court's order.

The Magistrate Judge entered an order (filing [28](#)) on July 22, 2015, directing the plaintiff to show cause why his claims should not be dismissed. The plaintiff responded (filing [29](#)) asking for more time, so the Magistrate Judge set a new deadline of September 18 for the plaintiff to either obtain the services of counsel or notify the Court of his intent to litigate *pro se*. Filing [30](#). The plaintiff failed to meet that deadline, so on October 8, the Magistrate Judge entered her Findings, Recommendation, and Order (filing [31](#)). The time for objecting to the Findings, Recommendation, and Order has now passed and no objection or other response has been made.

An involuntary dismissal for failure to comply with the Court's order, or for failure to prosecute, is within the Court's discretion. [Fed. R. Civ. P. 41\(b\)](#); [NECivR 41.2](#); see [Schooley v. Kennedy](#), 712 F.2d 372, 373-74 (8th Cir. 1983). The plaintiff has failed to comply with the Court's orders and generally failed to prosecute the case. And [28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings or recommendations. [Peretz v. United States](#), 501 U.S. 923 (1991). The failure to

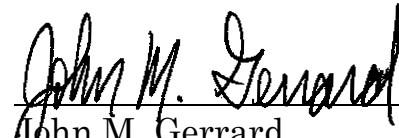
file an objection eliminates not only the need for de novo review, but *any* review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation (filing 31) are adopted.
2. The plaintiff's complaint is dismissed.
3. The defendants' motion to dismiss (filing 20) is denied as moot.
4. A separate judgment will be entered.

Dated this 27th day of October, 2015.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge